

REMARKS

In the final Office Action dated January 15, 2009, claims 1 and 3 were rejected, and claims 2 and 4-7 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Examiner Tran conducted a telephonic interview with the Assignee's representative on March 10, 2009. During the interview, distinctions between the claimed inventions and the cited art references were discussed. No agreement as to patentability of the amended claims was reached. By the present amendment, claim 1 has been amended to clarify that the simulated user call test system "is built in a digital stored program control switch." Furthermore, claim 3 has been amended to clarify that "the test method is implemented within a digital stored program control switch." After entry of the present amendment, claims 1-7 remain pending. Applicants respectfully request reconsideration of the application in view of the accompanying amendments and remarks.

Claim Rejections Under 35 U.S.C. § 102

In the final Office Action, independent claims 1 and 3 were rejected under 35 U.S.C. 102(b) as being anticipated by Aoyama, U.S. Patent No. 5,838,767 (hereinafter "*Aoyama*"). *Aoyama* relates to "a method for simulative testing of a stored program control type electronic automatic exchange, wherein speech path equipment (switch, trunk, tone generator, signal transmitting and receiving device, testing device, subscriber's circuit) of the electronic automatic exchange is simulated so as to test software installed in the electronic automatic exchange. (Col. 1, lines 5-13, emphasis added). Furthermore, "An electronic automatic exchange 401 without speech path equipment is intended to test software 403 provided in the electronic automatic exchange 401." (Col. 1 lines 41-44. emphasis added). Further, "The simulation system 405 is operated in the workstation 404." (Col. 1 lines 57-58). Therefore, in *Aoyama*, the switch, trunk, etc. are simulated so as to test software installed in the electronic automatic exchange. Further evidence exists in at least col. 5, lines 8-48 and col. 3, lines 18-35 that system of *Aoyama* appears to only simulate hardware processes by reading internal data information, including classes and address information, and the workstation provides the flow of character string data transmitting

process. Thus, the method and system provided by *Aoyama* appears to require the workstation to complete the simulation of testing.

In contrast, the Applicants' amended claim 1 relates to a user call test system "characterized in that the simulated user call test system is built in a digital stored program control switch, and comprises a back process module, a front call control process module and a hardware subsystem for performing a call test" (amendments underlined). Therefore, the simulated test processes of the user call are completed in the digital stored program control switch. While *Aoyama* may facilitate certain testing of a telecommunications signal and response by way of software within the workstation, the speech path is simulated within the workstation, and is therefore not tested in actual hardware. Therefore the tests performed by the hardware subsystem: "picking-up or hanging-up phones, detecting signaling tone, dialing, sending a test tone, or talking" in Applicants' claim 1 are not realizable in *Aoyama*. (See Paragraphs [0049] – [0059] of Applicants' Specification). Thus, *Aoyama* does not teach or suggest a simulated user call test system "built in a digital stored program control switch" (emphasis added). For at least these reasons, *Aoyama* does not disclose or suggest each and every element of Applicants' amended claim 1, and claim 1 should be allowed over the cited reference.

Similarly, claim 3 has been amended to clarify that the test method is "implemented within a digital stored program control switch" (emphasis added). *Aoyama* appears to differ substantially from the claimed invention of amended independent claim 3. As explained above with respect to claim 1, *Aoyama* pertains to "An electronic automatic exchange 401 without speech path equipment is intended to test software 403 provided in the electronic automatic exchange 401." (Col. 1 lines 41-44. emphasis added). In contrast, Applicants' claimed invention of amended claim 3 relates to "A test method, characterized in that the test method is implemented within a digital stored program control switch which includes a back process module, a front call control process module and a hardware subsystem for performing a call test" (amendments underlined). The elements: "back process module", "hardware subsystem", and "front call control process module" are missing from the cited reference, and arguments with regard to these elements have already been presented above with respect to claim 1.

Furthermore, amended claim 3 includes, for example, the elements: “sending, by the front call control process module, instructions to a hardware subsystem within the switch according to a call test control flowchart set”; “completing the test process according to the instructions from the front call control process module, and reporting a test result to the front call control process module by the hardware subsystem”; “processing the call test result, and collecting to the back process module by the front call control process module”; and “displaying the result by the back process module.” Again, these elements are missing from the cited reference.

For at least the foregoing reasons, *Aoyama* does not disclose or suggest each and every element of Applicants’ amended claim 3, and therefore, amended claim 3 should be allowable over the cited reference.

Allowable Subject Matter

The Office Action admits that dependent claims 2 and 4-7 contain allowable subject matter. Amended independent claims 1 and 3 are believed to conform to the provisions of 35 U.S.C. §102 (b) and are believed to be patentable for at least the reasons as argued above. If the independent claims are allowed, dependent claims 2 and 4-7 should be allowed as a matter of a law.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

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